

Message Text

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ACTION HA-05

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 NSAE-00
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TO SECSTATE WASHDC IMMEDIATE 3668
INFO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 13161

FOR HA, SECY DERIAN; IO GEORGE DALLEY; USUN FOR E.
MEZVINSKY, FROM AMBASSADOR VANDEN HEUVEL

E.O. 11652: GDS
TAGS: SHUM
SUBJ: COMPLAINTS ALLEGING HUMAN RIGHTS VIOLATIONS IN THE
UNITED STATES

REFS: (A) GENEVA 9294; (B) GENEVA AIRGRAM 211 OF 7/14/78;
(C) GENEVA AIRGRAM A-257 OF 10/12/77.

1. I WILL BE MEETING WITH AMB CARTER AS SOON AS POSSIBLE
TO DISCUSS THE HANDLING BY THE WORKING GROUP OF THE SUB-
COMMISSION AGAINST DISCRIMINATION OF THE HUMAN RIGHTS
COMMISSION OF THE COMPLAINTS ALLEGING A PATTERN OF RACIAL
DISCRIMINATION BY LAW AUTHORITIES IN MEMPHIS AND SHELBY
COUNTY, TENNESSEE.

2. I WILL ASK AMB CARTER TO ASSURE US THAT THE RULES AND
REGULATIONS OF THE WORKING GROUP HAVE BEEN MET REGARDING
A TIMELY RESPONSE BY A GOVERNMENT TO A COMMUNICATION FROM
THE SECRETARIAT REGARDING HUMAN RIGHTS VIOLATIONS. WE
REKEIVED THE DOCUMENT ON JULY 14. IT WAS POUCHED
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IMMEDIATELY TO WASHINGTON WHERE IT WAS RECEIVED ON JULY 28.
IT SEEMS UNREASONABLE THAT ANY GOVERNMENT WOULD BE
COMPELLED TO RESPOND TO SUCH A MULTI-DIMENSIONAL COMPLAINT
WITHOUT BEING AFFORDED MORE TIME FOR THE NECESSARY
RESEARCH. IT IS OUR UNDERSTANDING THAT ONLY THE COMPLAINT
CONTAINED IN AIRGRAM A-211 WAS CITED, ALTHOUGH I DO THINK
THAT WE SHALL HAVE TO TAKE INTO ACCOUNT THAT MANY OF THE

ABUSES RAISED IN THAT COMPLAINT HAD BEEN RAISED IN AN EARLIER COMPLAINT TO THE SUB COMMISSION AND WERE FORWARDED TO THE DEPARTMENT LAST OCTOBER UNDER COVER OF A-257. THESE CHARGES AND CDMPLEINTS WERE SIGNED BY OVER 200 PEOPLE, AND THE DEPARTMENT FAILED TO RESPOND IN ANY WAY.

3. I STRONGLY ADVISE THAT WE CONTACT THE ALLEGED SPONSORS OF THIS COMPLAINT, NAMELY, THE MEMPHIS CONGRESS OF RACIAL EQUALITY, THE BRIDGEWATER SHELBY COUNTY NAACP AND THE CHURCH OF HUMAN DEVELOPMENT. IN OUR INITIAL RESPONSE, THE BONAFIDES OF COMPLAINANTS MAY BE AN IMPORTANT FACTOR. IT APPEARS THAT DR. ISAAC RICHMOND IS THE AUTHOR OF BOTH DOCUMENTS (REF B). HE IS IDENTIFIED AS THE COORDINATOR OF THE MEMPHIS COMMITTEE ON HUMAN RIGHTS. WHETHER THE OTHER ORGANIZATIONS ARE PREPARED TO BE SIGNATORIES TO SUCH COMPLAINTS COULD PROVE TO BE A CRUCIAL QUESTION.

4. THE COMPLAINT ALLEGES THAT THE GROUP VISITED AMBASSADOR ANDREW YOUNG IN NEW YORK CITY ON SEPTEMBER 20, 1977 AND THAT HE REFUSED TO MEET WITH THE DELEGATION. AMB YOUNG MAY BE ABLE TO PROVIDE US WITH THE BACKGROUND THAT WOULD HELP IN THE PREPARATION OF A DEFINITIVE REPLY.

5. THE COMPLAINT INCORPORATED IN A-211 (PAGE 19) REFERS TO A REPORT ON THE GENERAL SITUATION BY THE TENNESSEE ADVISORY COMMISSION TO THE UNITED STATES COMMISSION ON CONFIDENTIAL

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CIVIL RIGHTS. I WOULD URGE THAT THE ADVISORY COMMISSION BE CONTACTED AS WELL AS THE EXECUTIVE DIRECTOR OF THE US COMMISSION TO SEE WHAT EVIDENCE AND CONCLUSIONS THEY HAVE ACCUMULATED THAT MIGHT HAVE REFERENCE TO THESE COMPLAINTS. MY RECOLLECTION OF THE LAPCHICK CASE CITED IN A-211 (PAGE 35) IS THAT SUBSEQUENT INVESTIGATION FOUND IT TO BE FAR DIFFERENT THAN THE ORIGINAL REPORT. IT WOULD BE USEFUL TO HAVE EITHER AN FBI OR A VIRGINIA INVESTIGATIVE REPORT ON THIS MATTER.

6. AS THIS MISSION POINTED OUT IN PERSONAL MEETINGS IN THE DEPARTMENT AND IN GENEVA AND AS WE FURTHER STATED IN GENEVA 9294 WE HAVE FOUND IT DIFFINULT TO EXPLAIN WHY OUR GOVERNMENT HAS BEEN UNABLE TO PROVIDE TIMELY AND EFFECTIVE REPLIES IN VARIOUS COMPLAINTS THAT HAVE BEEN LODGED AGAINST US IN THE HUMAN RIGHTS COMMISSION. THE PRESIDENT'S INTERNATIONAL INITIATIVE IN HUMAN RIGHTS CANNOT BE STRENGTHENED WHEN WE ARE UNABLE TO COMPLY WITH THE MOST ELEMENTAL INTERNATIONAL PROCEDURES. AT A HUMAN RIGHTS STRATEGY SESSION IN IO ON AUGUST 9 SEVERAL OF US RAISED THIS POINT AGAIN. I SUGGESTED THAT THE DEPT CANNOT AVOID THE POLITICAL RESPONSIBILITY OF THE INTERNATIONAL

CONSEQUENCES OF HUMAN RIGHTS COMPLAINTS AGAINST THE UNITED STATES. IT WAS THEREFORE NECESSARY TO CREATE OR FIND A FUNCTIONAL GROUP THAT COULD COORDINATE WITH FEDERAL, STATE AND LOCAL AUTHORITIES THE RELEVANT INFORMATION NEEDED TO REPLY. MY OWN EXPERIENCE WITH THE AMERICAN BAR
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ASSOCIATION AND WITH THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, AND THEIR APPROPRIATE COMMITTEES, CONVINCED ME THAT THERE ARE COUNTLESS LAWYERS WHO WOULD

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 13161

FOR HA, SECY DERIAN; IO GEORGE DALLEY; USUN FOR E.
MEZVINSKY, FROM AMBASSADOR VANDEN HEUVEL

CONTRIBUTE THEIR TIME VOLUNTARILY TO HELP IN THE PREPARATION OF THESE REPLIES WHICH THE DEPT COULD THEN ACCEPT OR AMEND BEFORE FORWARDING AS AN OFFICIAL GOVERNMENT RESPONSE. FOR A MDDIST AMOUNT OF MONEY, A GROUP OR GROUPS COULD PROVIDE AN INDISPENSIBLE SERVICE. I AM PLEASED TO HEAR THAT DISCUSSIONS RELATING TO THIS PROPOSAL ARE PROCEEDING. I HOPE YOU WILL KEEP US INFORMED.

7. ALL OF US WHO HAVE BEEN INVOLVED OVER THE YEARS WITH THE CRIMINAL JUSTICE SYSTEM KNOW OF ITS INEQUITIES AND INJUSTICES. NO ONE HAS BEEN A MORE POWERFUL SPOKESMAN REGARDING THE PROBLEM THAN PRESIDENT CARTER HIMSELF (SEE SPEECH BEFORE UNIVERSITY OF GEORGIA LAW SCHOOL MAY 1, 1974). THE COMPLAINTS THAT WE ARE DEALING WITH NOW BEFORE THE HUMAN RIGHTS COMMISSION FOCUS MANY PROBLEMS

THAT ARE NOT SIMPLE TO RESOLVE. THE FACT THAT THE US MAY
BE CITED WHILE NOT A SINGLE COMMUNIST TOTALITARIAN
GOVERNMENT FACES THE SAME INDICTMENT WILL BE VERY DIFFICULT
FOR AMERICANS TO UNDERSTAND OR ACCEPT. ON THE OTHER HAND,
IF THE US IGNORES THE PROCEDURES OF THE UN AND CHOOSES TO
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RESPOND IN A NEGATIVE POLITICAL MANNER RATHER THAN
SUBSTANTIVELY THEN WE WILL RUN THE RISK OF SEVERELY
DILUTING THE IMPACT OF THE GOVERNMENT'S INITIATIVE. IT
IS TOO EARLY TO ADVISE A PROPER COURSE REGARDING THE
PRESENT SITUATION. THE RULES AND PRDCEDURES SHOULD BE
STUDIED CAREFULLY AND THE FACTS RELATING TO THE VARIOUS
COMPLAINTS SHOULD BE BROUGHT TOGETHER TO INFLUENCE THE
JUDGMENTS THAT MUST BE MADE. IF NOTHING ELSE THE PRESENT
SITUATION GIVES URGENT EMPHASIS TO OUR PLEA THAT WE TAKE
THE HUMAN RIGHTS COMPLAINT PROCEPNES IERIOUSLY AAD THAT
WE ESTABLISH THE MEANS BY WHICH TIMELY AND EFFECTIVE
RESPONSES CAN BE FORMULATED. IT IS ALSO URGENT THAT WE
ASSIST IN EVERY POSSSIBLE WAY THOSE NGO'S, INDIVIDUALS
AND OTHER GOVERNMENTS TO PREPARE THE DETAILED ALLEGATIONS
AGAINST THOSE TOTALITARIAN GOVERNMENTS WHO SCORN THE
INTEGRITY OF QIR OBJECTIVES WITH THE CONFIDENCE THAT THEIR
CLOSED SOCIETIES CANNOT BE COMPELLED TO RESPOND. IT IS
BNOT ENOUGH TO BEWAIL THE LACK DF INDICTMENTS AGAINST
TOTALITARIANNLVPPRESSION OF HUMAN RIGHTS WHEN WE DO NOT
TAKE THE TIME OR COMMIT THE RESOURCES TO HELP THOSE WHO
HAVE THE FACTS PREPARE THEIR COMPLAINTS FOR SUBMISSION TO
THE PROPER FORUMS. VANDENMGEUVEL

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